

COPYRIGHT FEES

JUNE 25, 1956.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. WILLIS, from the Committee on the Judiciary, submitted the following

R E P O R T

[To accompany H. R. 10263]

The Committee on the Judiciary, to whom was referred the bill (H. R. 10263) to amend title 17, United States Code, entitled "Copyrights" with respect to certain fees, having considered the same report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

The purpose of this bill is to reduce the fee for the registration commercial prints and labels at the Copyright Office from \$6 to \$4, and to increase renewal registration fees from \$2 to \$4.

STATEMENT

Under present law the registration fee for all applications, with one exception, in the categories of works listed in the Copyright Code (17 U. S. C., sec. 5) is \$4. The one exception relates to commercial prints and labels, which as noted above, is \$6. No logical reason exists for this exception, since no additional administrative processes are employed in examining applications falling within this category. The reduction of this fee to \$4, the committee was advised, would simplify the administrative procedures in the Copyright Office, and would put an end to the not infrequent complaints regarding discriminations in fees in this category of applications. The loss of revenue would be small. For the fiscal year 1955 the fee reduction contemplated by this bill would have amounted to a loss of \$21,010. This loss in revenue, however, would be offset by the second proposed change in the fee structure.

Under present law, the fee for registration for renewal copyrights is \$2. The Copyright Office advises that from the standpoint of time

and effort required to process such an application, this amount is insufficient and inappropriate. The examining process for renewal applications is more time consuming than for original first-term applications, which is presently \$2. In view of this factor, it seems reasonable that the renewal fee (copyrighted material is renewable every 28 years) should be commensurate with that required for registration of original applications. The fees received from renewal registrations for the fiscal year 1955 total \$39,038. Increasing the fee, as proposed, from \$2 to \$4 would have produced an estimated income of \$78,076. Offsetting the loss in fees from the commercial print and label category against the increase in revenue from renewal registrations will result in an estimated net increase from these 2 fees of approximately \$18,028.

This legislation was proposed by the Copyright Office of the Library of Congress, and the Library of Congress executive communication together with a report from the Department of Justice, follow:

THE LIBRARY OF CONGRESS,
Washington, March 20, 1956.

HON. SAM RAYBURN,
*Speaker of the House of Representatives,
The Capitol, Washington, D. C.*

MY DEAR MR. SPEAKER: Enclosed is a copy of a bill to amend two sections of the copyright law, title 17, United States Code, section 215, with the request that this bill be introduced for consideration by the Congress.

The bill is designed to accomplish only 2 minor changes in the existing law, namely, the fee for the registration of commercial prints and labels is reduced from \$6 to \$4 and that for renewal registration is increased from \$2 to \$4. I direct your attention to the fact that the patent, trademark, and copyright section of the American Bar Association at Philadelphia in August 1955, approved in principle such action.

As the law stands today, the registration fee for all applications, with one exception, in the 13 categories of works listed in section 5 of title 17, United States Code, is \$4. The one exception relates to commercial prints and labels and this fee is specified to be \$6. Logically no reason exists for this exception since no additional administrative processes are employed in examining applications falling within this category. This fee is simply the result of a historical anachronism.

Prior to July 1, 1940, the registration of copyright claims in commercial prints and labels was under the administration of the Patent Office and the fee was established at \$6. Pursuant to the act of July 31, 1939 (53 Stat. 1142), the administration of such matters was shifted from the Patent Office to the Copyright Office. This act specified the \$6 fee, which has remained in effect since that date.

The reduction of this \$6 fee to \$4 would simplify the administrative procedures in the Copyright Office and would put an end to the not infrequent complaints regarding discrimination in fees in this category of applications. The loss in revenue would be small. Based upon the number of registrations in this category for the fiscal year 1955, i. e., 10,505, the proposed fee reduction would amount to a loss of only \$21,010. This small loss in revenue, however, would be offset by the second proposed change in the fee structure.

Today the fee required to be charged for registration of renewal copyrights is \$2. From the standpoint of time and effort required to process such an application, this amount is inappropriate. The examining process for renewal applications is somewhat more time consuming than that required for original first-term applications which, as pointed out above, is presently \$4, with the one exception referred to. In view of this factor, together with equitable considerations, it seems reasonable that the renewal fee should be commensurate with that required for registration of original applications. Hence, in the draft bill it is proposed that the renewal fee be increased from \$2 to \$4.

The fees received from renewal registrations for the fiscal year 1955, during which there were 19,519 registrations, totaled \$39,038. Based upon such registrations, increasing the fee as proposed would have produced renewal fees in the amount of \$78,076. Considering the loss in fees from the commercial print and label category referred to above there would have resulted a small net increase in fees of approximately \$18,028.

It should be emphasized, however, that the purpose of the bill is not conceived as a revenue-producing measure. Its basis is grounded in a desire to equalize the present fee structure of the copyright law which would also serve the additional purpose of more accurately reflecting the cost of handling such applications. In short, the present fee of \$6 for registration of claims to copyright in commercial prints and labels is out of line with the fees prescribed for other classes of works and should be reduced to the same \$4 level. The renewal fee of \$2, is too low and should be increased to \$4. Such action would produce a uniform registration fee of \$4 in all classes of works including renewal applications.

Sincerely yours,

L. QUINCY MUMFORD,
Librarian of Congress.

DEPARTMENT OF JUSTICE,
Washington, D. C., June 13, 1956.

HON. EMANUEL CELLER,
*Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice concerning the bill (H. R. 10263) to amend title 17, United States Code, entitled "Copyrights," with respect to certain fees.

The bill would amend section 6 of title 17, United States Code, by reducing from \$6 to \$4 the fee to be paid for registering a claim of copyright in any print or label not a trademark. Also, the bill would amend section 215 of title 17 by increasing from \$2 to \$4 the fee for recording the renewal of a copyright and issuance of a certificate.

Whether the bill should be enacted involves a question of policy concerning which this Department prefers to make no recommendation.

The Bureau of the Budget has advised that there is no objection to the submission of this report.

Sincerely,

WILLIAM P. ROGERS,
Deputy Attorney General.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the House of Representatives, there is printed below in roman existing law in which no change is proposed, with matter proposed to be stricken out enclosed in black brackets, and new matter proposed to be added shown in italics:

TITLE 17, UNITED STATES CODE

§ 215. FEES.

The Register of Copyrights shall receive, and the persons to whom the services designated are rendered shall pay, the following fees:

For the registration of a claim to copyright in any work, except a print or label used for articles of merchandise, \$4; for the registration of a claim to copyright in a print or label used for articles of merchandise, ~~[\$6]~~ \$4; which fees shall include a certificate of registration under seal for each work registered: *Provided*, That only one registration fee shall be required in the case of several volumes of the same book published and deposited at the same time: *And provided further*, That with respect to works of foreign origin, in lieu of payment of the copyright fee of \$4 together with one copy of the work and application, the foreign author or proprietor may at any time within six months from the date of first publication abroad deposit in the Copyright Office an application for registration and two copies of the work which shall be accompanied by a catalog card in form and content satisfactory to the Register of Copyrights.

For recording the renewal of copyright and issuance of certificate therefor, ~~[\$2]~~ \$4.

For every additional certificate of registration, \$1.

For certifying a copy of an application for registration of copyright, and for all other certifications, \$2.

For recording every assignment, agreement, power of attorney, or other paper not exceeding six pages, \$3; for each additional page or less, 50 cents; for each title over one in the paper recorded, 50 cents additional.

For recording a notice of use, \$2, for each notice of not more than five titles; and 50 cents for each additional title.

For any requested search of Copyright Office records, or works deposited, or services rendered in connection therewith, \$3 for each hour of time consumed. (July 30, 1947, ch. 391, sec. 1, 61 Stat. 652; Apr. 27, 1948, ch. 236, sec. 2, 62 Stat. 202; June 3, 1949, ch. 171, sec. 4, 63 Stat. 154.)

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